

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLINTON HECK,

Plaintiff,

v.

MARK STERN, et al.,

Defendants.

Case No. C06-5030 RJB/KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On January 17, 2006, the clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). The clerk sent a letter to the plaintiff advising him of steps he needed to take in order to cure certain IFP deficiencies. The plaintiff has timely filed the written consent and authorization. He has not, however, provided a complete copy of his trust fund account statement for the six months preceding his filing of the complaint. Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for

1 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
2 obtained from the appropriate official of each prison at which the prisoner is or was
confined.

3 Plaintiff thus is required to submit a statement showing the balance and activity of his account for the six-
4 month period immediately preceding the filing of his complaint. The plaintiff filed a copy of his trust fund
5 account for only three months of the six months period.

6 Accordingly, this court orders the following:

7 (1) Plaintiff shall seek to cure this deficiency by filing **no later than March 20, 2006**, a copy of
8 his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing the balance
9 and activity of his account for the six-month period immediately preceding the filing of his
10 petition.

11 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
12 **prosecute this matter and the court will recommend dismissal of this matter.**

13 (2) The clerk is directed to send a copy of this Order to plaintiff along with the appropriate
14 written consent form.

15 DATED this 16th day of February, 2006.

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17 /s/ Karen L. Strombom
18 KAREN L. STROMBOM
19 United States Magistrate Judge
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